

SENATE BILL 630

By Lundberg

AN ACT to amend Tennessee Code Annotated, Section 49-6-2203 and Section 49-6-2206, relative to textbooks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-2203, is amended by deleting subsection (a) and substituting:

(a) The commission may promulgate rules establishing minimum manufacturing standards and specifications for textbooks and instructional materials and establishing the conditions under which the commission contracts with publishers. The commission may make contracts with the publishers for a period of no more than seventy-three (73) months. The commission may extend any existing contracts entered after April 27, 1984, for up to two (2) additional years if the commission notifies the affected publishers at least six (6) months prior to the beginning of the extension period. With the advice and consent of the state board of education, in order to implement the board's standards and courses of study, the commission may prescribe minimum content and reading level of textbooks and instructional materials.

SECTION 2. Tennessee Code Annotated, Section 49-6-2206, is amended by deleting the section and substituting:

(a) An LEA shall not use or permit to be used in any school any textbooks and instructional materials upon any subject to the exclusion of the textbooks and instructional materials listed by the commission and approved by the state board of education; provided, that this prohibition does not apply to textbooks and instructional materials previously listed and purchased with public funds. Upon application of the

local board of education, the state board of education may waive this restriction when, in the state board's judgment, the unique or unusual needs of the LEA require it. In making waiver determinations, the state board of education must receive assistance from the department of education. The state board shall outline in its rules specific timeframes when waiver applications may be submitted by a local board of education; provided, that the state board shall allow applications to be submitted outside of the established timeframes in emergency circumstances, as defined by the state board in its rules.

(b) If the commissioner of education finds that an LEA knowingly violated this section, then the commissioner may withhold state funds, in an amount determined by the commissioner, from the LEA until the LEA is in compliance.

(c) Notwithstanding subsection (a), all English language arts textbooks and instructional materials must be aligned to Tennessee's academic standards no later than January 1, 2023.

(d) The state board of education is authorized to promulgate rules, including emergency rules, to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.